RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING PAYMENT OF CERTAIN
COSTS AND EXPENSES OF THE AUTHORITY
FOR THE MONTH OF JULY

WHEREAS, the costs and expenses set forth on the attached list, having been
reviewed and authorized for payment by the Finance Committee with the Chief Executive
Officer from funds available for such purpose, are herewith presented to the Authority's
Board for final approval and authorization to pay.

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The foregoing is a true and complete copy of a resolution of the Hudson County
Improvement Authority adopted at a meeting thereof duly called and held on Wednesday,
July 22, 2015.

CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE APPOINTMENT OF CHIESA SHAHINIAN & GIANTOMASI
PC, AS SPECIAL OUTSIDE COUNSEL AND TRANSFER OF CONTRACT
FROM SEDITA, CAMPISANO & CAMPISANO, LLC

WHEREAS, the Hudson County Improvement Authority (the “Authority”) was duly created
by resolution of the Board of Chosen Freeholders of the County of Hudson (the “County”), State
of New Jersey, duly adopted September 25, 1974, as a public body corporate and politic of the
State of New Jersey pursuant to and in accordance with the County Improvement Authorities
Law, N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, Sedita, Campisano & Campisano, LLC is currently designated as the
Authority’s special outside counsel; and

WHEREAS, David J. Mairo, Esq. was the Sedita, Campisano & Campisano, LLC
attorney primarily responsible all matters related to the Authority; and

WHEREAS, David J. Mairo, Esq. transferred his legal practice from Sedita, Campisano &
Campisano, LLC to Chiesa Shahinian & Giantomasi, PC; and

WHEREAS, the Authority desires to have David J. Mairo, Esq. continue to represent it’s
interests as its special outside counsel while a member of Chiesa Shahinian & Giantomasi, PC; and

WHEREAS, this contract is awarded without competitive bidding as a "Professional
Service" accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), because it
is for services performed by persons authorized by law to practice a recognized profession; and

WHEREAS, the Authority further finds and declares that the New Jersey Local Unit "Pay
to Play" Law, N.J.S.A. 40A:20-4, et seq., governs the award of this contract because its value is
anticipated to be in excess of the sum of $17,500.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE HUDSON COUNTY IMPROVEMENT AUTHORITY, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set
forth at length.

Section 2. Chiesa Shahinian & Giantomasi, PC is appointed special outside counsel to
the Authority.

Section 3. David J. Mairo, Esq. will continue to be the attorney responsible for matters
related to the Authority.
Section 4. The Chairman, Executive Director, and Secretary of the Authority are, and each of them hereby is, authorized to transfer the balance of the existing contract for special outside counsel services from Sedita, Campisano & Campisano, LLC to Chiesa Shahinian & Giantomasi, PC.

Section 5. A copy of this Resolution shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection and is also available for public inspection at the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey, 07306 between the hours of 9:00 a.m. and 5:00 p.m.

Section 6. This resolution shall take effect immediately in accordance with Law.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, July 22, 2015.

CARMEN LOZANO, ASSISTANT SECRETARY (SEAL)
CERTIFICATE

I, CARMEN LOZANO, Assistant Secretary of The Hudson County Improvement Authority, a public body corporate and politic of the State of New Jersey, HEREBY CERTIFY, that the foregoing resolution entitled "RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE APPOINTMENT OF CHIFSA SHAHINIAN & GIANTOMASI PC, AS SPECIAL OUTSIDE COUNSEL AND TRANSFER OF CONTRACT FROM SEDITA, CAMPISANO & CAMPISANO, LLC" is a true copy of an original resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on July 22, 2015, and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 22nd day of July, 2015.

[SEAL]

THE HUDSON COUNTY IMPROVEMENT AUTHORITY

By: CARMEN LOZANO, ASSISTANT SECRETARY
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY Authorizing Execution of
Release of Cross Default Provisions

WHEREAS, on or about October 22, 2004, the Authority entered into a Redevelopment Agreement with Baldwin Assets Associates Urban Renewal Agency, LLC in connection with certain property owned by the Authority and located in a redevelopment area known as “the Medical Center Study Area” and subject to the “Medical Center Redevelopment Plan” adopted by the City of Jersey City; and

WHEREAS, on December 28, 2011, the Authority entered into an Amended and Restated Redevelopment Agreement by and among the Jersey City Redevelopment Agency and various Urban Renewal Companies as successors to Baldwin Assets Associates Urban Renewal Company, LLC; and

WHEREAS, the Amended and Restated Redevelopment Agreement contained a provision for Release of Cross Default Provisions by the Authority as each of the respective buildings covered by the Amended and Restated Redevelopment Agreement obtained commitments for mortgage financing from lenders to facilitate the rehabilitation and redevelopment of each building; and

WHEREAS, the former Margaret Hague Hospital property is about to be redeveloped by BR Hague Urban Renewal Co., LLC and the developer has requested Release of the Cross Default Provision contained in the Amended and Restated Redevelopment Agreement in order for it to close on the construction mortgage financing to complete the project; and

WHEREAS, the Authority General Counsel represented to the Urban Renewal Entity and its attorneys that this Resolution confirming and ratifying the execution of the Release would be presented to the Board at the July meeting of the Board; and

NOW THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Board hereby authorizes, confirms and ratifies the execution of a Release of Cross Default Provision contained in the Amended and Restated Redevelopment Agreement dated December 28, 2011 between and among the Jersey City Redevelopment Agency, the Hudson County Improvement Authority and BR Hague Urban Renewal Co., LLC by Norman M. Guerra, Chief Executive Director dated as of the 1st day of July 2015.

3. Notice of this action shall be published as required by law.

4. A copy of this Resolution together with a copy of the executed Contract, shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection and is also available for public inspection at the offices of the Authority located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey, 07306 between the hours of 9:00 a.m. and 5:00 p.m.

5. This Resolution shall take effect immediately.

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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, July 22, 2015.

CARMEN LOZANO, ASSISTANT SECRETARY (SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY RECOMMENDING AN AMENDMENT TO THE HUDSON COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE PACE GLASS RECYCLING, IN JERSEY CITY, NEW JERSEY INTO THE HUDSON COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A CLASS A RECYCLING FACILITY

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. ("Act"), designated each of the 21 counties in the State of New Jersey, and the Hackensack Meadowlands District, as solid waste management districts, and required each such district to adopt a solid waste management plan; and

WHEREAS, the Board of Chosen Freeholders ("Freeholders") of the County of Hudson ("County") has adopted the Hudson County District Solid Waste Management Plan, as amended from time to time (the "County Plan"); and

WHEREAS, the Hudson County Improvement Authority ("HCIA") is a public body corporate and politic of the State of New Jersey, organized pursuant to and in accordance with the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., and exercises essential governmental functions for the public health, benefit and welfare of the citizens of the County; and

WHEREAS, the Freeholders have designated the HCIA as the implementing agency for the County Plan and the Authority has been charged with implementing and recommending updates and amendments to the aforesaid County Plan from time to time. The HCIA was also designated to plan, acquire, construct, maintain and operate facilities for the processing and disposal of County solid waste and/or the recovery of recyclable materials; and

WHEREAS, HCIA has received an application for inclusion in the County Plan of a recycling facility ("Facility"), located at property designated as Block 15402, Lot 6 on the tax map of the City of Jersey City and more commonly known as 88-94 Bishop Street, Jersey City, New Jersey, to be operated by PACE Glass ("PACE") into the County Plan as a Major Modification to an Existing Facility; and
WHEREAS, the Facility intends to accept post-consumer glass containers which have been separated by Municipal Recovery Facilities; and

WHEREAS, in accordance with the requirements of N.J.S.A. 13:1E-20(b), a meeting of the Solid Waste Advisory Council in the County was conducted on July 20, 2015 to discuss, among other things, the application of PACE Glass and a proposed amendment to the County Plan; and

WHEREAS, HCIA has received a report from its consulting engineers, Paulus, Sokolowski and Sartor, LLC, describing the Facility, setting forth all engineering issues, and recommending that the Facility be included as a Class A recycling facility in the County Plan; and

WHEREAS, after careful analysis and evaluation of the application, as supplemented, and the review of the report from Paulus, Sokolowski and Sartor, LLC, HCIA has prepared a proposed Plan Amendment (attached hereto as Appendix A) recommending inclusion of the Facility into the County Plan, subject to the terms and conditions of this Resolution, and intends to forward same to the Hudson County Board of Chosen Freeholders for consideration in accordance with the Act; and

WHEREAS, HCIA desires to enter into an agreement with PACE Glass incorporating the terms and conditions of the this Resolution and the attached Plan Amendment for inclusion in the County Plan;

NOW, THEREFORE, BE IT RESOLVED by the Hudson County Improvement Authority, as follows:

1. The HCIA formally recommends to the Hudson County Board of Chosen Freeholders that the Hudson County District Solid Waste Management Plan be amended as set forth substantially in the form of the proposed Plan Amendment, attached hereto as Appendix A and made a part hereof, upon the requisite notice and public hearing being conducted in accordance with the Act, and the rules and regulations made and provided for same by the New Jersey Department of Environmental Protection.

2. The HCIA hereby approves the terms and conditions set forth in the proposed agreement, attached hereto as Appendix B and made a part hereof, setting forth the rights and obligations of the parties in accordance with this Resolution and the attached Plan Amendment. The Chairman of the HCIA, or the Chief Executive Officer of the HCIA in consultation with the Chairman, is hereby authorized to execute the agreement substantially in the form attached hereto as Appendix B.
3. A certified copy of this Resolution, the attached Plan Amendment, and the application of PACE Glass, report as prepared by Paulus, Sokolowski and Sartor, LLC, shall be forwarded to the Hudson County Board of Chosen Freeholders for consideration and action as well as the members of the Hudson County Solid Waste Advisory Council.

4. A copy of this Resolution, together with a copy of the executed agreements, shall be available, upon execution by the parties, for public inspection at the offices of the HCIA located at 830 Bergen Avenue, 9th floor, Jersey City, New Jersey.

5. This resolution shall take effect immediately

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_Carmen Lozano, Assistant Secretary_
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT
AUTHORITY AUTHORIZING THE PURCHASE OF UP TO
SEVEN (7) REPLACEMENT VEHICLES
FOR USE BY THE AUTHORITY’S STAFF

WHEREAS, the Authority has over the years expanded its operations and re-assessed its existing motor fleet and is desirous of keeping its fleet modern and up to date; and

WHEREAS, as a result of the expanded operation and the re-assessment of the Authority’s existing motor fleet, the Chief Executive Officer has determined that it is necessary to purchase seven (7) new Utility Vehicles to be used by Authority Personnel and to retire certain vehicles from use; and

WHEREAS, the Chief Executive Officer is presently researching and exploring the possibility of purchasing one or more of these vehicles under a contract entered into by the State of New Jersey, Division of Purchasing without advertising pursuant to N.J.S.A. 40A:11-15; and

WHEREAS, the total amount of the requested authorization for the purchase of all seven vehicles is not to exceed $250,000.00 Dollars; and

WHEREAS, the Chief Financial Officer has verified that sufficient funds are available in the 2015 Budget for the above mentioned purpose; and

WHEREAS, the Chief Executive Officer is requesting authorization to expend an amount not to exceed $250,000.00 for the purchase of all seven (7) vehicles.

NOW, THEREFORE, BE IT RESOLVED, by the Hudson County Improvement Authority as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.

2. The Authority hereby authorizes the purchase of seven (7) 2015/2016 Utility Vehicles for a total not to exceed of Two Hundred Fifty Thousand ($250,000.00) Dollars to accommodate the Authority’s needs.

3. A copy of this resolution shall be forwarded to the Clerk of the Board of Chosen Freeholders for public inspection. The resolution is also available for public inspection at the offices of the Authority at 830 Bergen Avenue, 6th floor, Jersey City, New
Jersey between the hours of 9:00 a.m. and 5:00 p.m.

4. Notice of this action shall be published as required by law.

5. This resolution shall take effect immediately.

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CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY CLOSING THE CONTAINMENT and DEWATERING SERVICE AGREEMENT, EARTHWORK SERVICES AGREEMENT AND TRANSITION AREA SERVICES AGREEMENT WITH PERSISTENT CONSTRUCTION, CO., AS WELL AS AUTHORIZING ENTRY INTO A SETTLEMENT AND RELEASE AGREEMENT WITH PERSISTENT CONSTRUCTION, CO. TO RESOLVE CLAIMS OF COSTS INCURRED AS A RESULT OF THE TEMPORARY SUSPENSION OF DREDGED SAND DELIVERY AND OTHER DELAYS TO THE LINCOLN PARK WEST SITE.

WHEREAS, the Hudson County Improvement Authority (the "Authority") was duly created by resolution of the Board of Chosen Freeholders of the County of Hudson (the "County"), State of New Jersey, duly adopted September 25, 1974, as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, the County created the Authority for the express purpose, among other things, of facilitating the development and financing of public facilities and developments within the County; and

WHEREAS, the County is the fee simple owner of approximately 160 acres of property located along the Hackensack River near the intersection of Duncan Avenue and Routes 1 & 9 (also known as Route 440), known as Block 16002, Lot 1 in Jersey City, New Jersey (the "Lincoln Park West Site"); and

WHEREAS, pursuant to its express purpose, the Authority has facilitated the development of the Lincoln Park West Site by closing an unpermitted landfill, participating in a New Jersey Department of Environmental Protection ("NJDEP") Wetland Restoration Project and constructing a public nine-hole golf course known as the Skyway Golf Course (collectively referred to as the "Project"); and

WHEREAS, the Project was completed in accordance with various NJDEP approvals and permits, including: Landfill Closure and Post-Closure Plan Approval, Waterfront Development Permit, Freshwater Wetlands General Permits, and Transition Area Waiver-Averaging Plan and Flood Hazard Area Permits; and

WHEREAS, among other things, completion of the Project required: 1) the construction, operation and maintenance of a temporary dredged sand dewatering and containment facility and management of imported dredged sand into said facility, as well as on-site management of wet excavated materials from the adjacent site ("CDF Services"); 2) the provision of services for the closure of the landfill and preparation of the subgrade for the golf course, including the ultimate acquisition and placement of over 1-million cubic yards of imported fill material ("Earthwork Services"); and, 3) final grading and landscaping of the Transition Area and construction of a waterfront walkway ("Transition Area Services"); and
WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Authority publically advertised separate requests for bids for each of the three Services as the Project progressed and following an evaluation of the bids, the Authority determined that the lowest responsible bids were submitted by Persistent Construction, Co., with an address of 58 Industrial Avenue, Fairview, New Jersey 07022 (“Persistent”);

WHEREAS, on or about November 30, 2009, the Authority entered into an Agreement for Persistent to provide CDF Services, as authorized by duly adopted Resolution No. 11-2009-10; and

WHEREAS, on or about March 26, 2011, the Authority entered into an Agreement for Persistent to provide Earthwork Services, as authorized by duly adopted Resolution No. 3-2011-7 and extended such Agreement by duly adopted Resolution Nos. 11-2012-7 and 7-2013-3SBM; and

WHEREAS, on or about May 25, 2012, the Authority entered into an Agreement for Persistent to provide Transition Area Services, as authorized by duly adopted Resolution No. 4-2012-8; and

WHEREAS, performance of the CDF Services was originally contracted to cost $3,477,418, and based on contract modifications additional costs in the amount of $671,648.57 were incurred, resulting in a final contract amount of $4,149,066.57 (Exhibit A); and

WHEREAS, performance of the Earthwork Services was originally anticipated to net the Authority $2,075,000 and based on an increase in fill material required for the Project from 600,000 cubic yards to 1,027,256 cubic yards, which was offset by the performance of additional work items, the Authority netted $2,785,471.76 (Exhibit B); and

WHEREAS, performance of the Transition Area Services was originally contracted to cost $762,000 and based on contract modifications the costs were reduced by $49,055.61, resulting in a final cost of $713,241.39 (Exhibit C); and

WHEREAS, during performance of the CDF Services, Great Lakes Dredge & Dock Company, LLC (“GLDD”), the contractor supplying the Site with dredged sand on behalf of the United States Army Corps of Engineers (“Army Corps”), through an agreement between the Authority and the Port Authority of New York and New Jersey (“Port Authority”), temporarily suspended delivery of the dredged sand; and

WHEREAS, the Authority agreed to the temporary suspension of delivery and agreed to extend the date by which delivery of the dredged sand would be accepted on the condition that GLDD reimburse the Authority up to $300,000 to cover actual costs incurred as a result of said temporary suspension; and

WHEREAS, the Authority agreed to accept $222,000 from GLDD as reimbursement of costs incurred as a result of the temporary suspension of dredged sand delivery, as authorized by duly adopted Resolution No. 3-2015-8; and
WHEREAS, Persistent, however, claimed that as a result of the temporary suspension of dredged sand delivery and other delays it incurred costs in excess of $500,000; and

WHEREAS, with respect to Persistent's claim of costs incurred as a result of the temporary suspension of dredged sand delivery and other delays, it retained both counsel and an expert and threatened litigation with the Authority if said claim could not be amicably resolved; and

WHEREAS, in response, the Authority has been engaged in negotiations with Persistent to amicably resolve and avoid litigation of Persistent's claim of costs incurred as a result of the temporary suspension of dredged sand delivery and other delays; and

WHEREAS, as a result of those negotiations, Persistent has agreed to accept $324,335.08 in full and final satisfaction of any and all alleged costs incurred as a result of the temporary suspension of dredged sand delivery and other delays; and

WHEREAS, Persistent has completed all Services required pursuant to the CDF Services Agreement, Earthwork Services Agreement and Transition Area Services Agreement; and

WHEREAS, based on outstanding invoices associated with the three Service Agreements and the retainage kept by the Authority pursuant to the Agreements, the Authority either owes to Persistent, or is owed by Persistent, the following amounts:

- CDF Services Agreement: $31,889.32 owed to Persistent;
- Earthwork Services Agreement: $277,349.99 owed to the Authority; and
- Transition Area Services Agreement: $116,125.59 owed to Persistent

WHEREAS, the Authority has met with Persistent and the parties mutually wish to close out the three Service Agreements, as well as finalize the settlement of Persistent's claim of costs incurred as a result of the temporary suspension of dredged sand delivery and other delays; and

WHEREAS, based on the amounts both owed to Persistent by the Authority, as well as owed by Persistent to the Authority, Persistent has agreed to accept the amount of $195,000 in full and final satisfaction of three Service Agreements, as well as to resolve Persistent's claim of costs incurred as a result of the temporary suspension of dredged sand delivery and other delays, as detailed on Exhibit D; and

WHEREAS, for a total of $195,000, the Authority wishes to close the three Service Agreements, as well as enter into a Settlement and Release Agreement with Persistent to resolve any and all claims it may have against the Authority associated with allegations of costs incurred as a result of the temporary suspension of dredged sand delivery and other delays.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY, as follows:
Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. For a total of $195,000, the Authority is hereby authorized to close the three Service Agreements, as well as enter into a Settlement and Release Agreement with Persistent to resolve any and all claims it may have against the Authority associated with allegations of costs incurred as a result of the temporary suspension of dredged sand delivery and other delays.

Section 3. The Authority hereby authorizes the Chief Executive Officer and/or Executive Director to negotiate, draft and/or execute a Settlement and Release Agreement with Persistent consistent with the terms and conditions recited herein.

Section 4. A copy of this Resolution shall be available for public inspection at the offices of the Authority.

Section 5. This resolution shall take effect immediately in accordance with Law.

RECORDED VOTE:

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<td>Fred M. Bado</td>
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<td>Oren K. Dabney, Sr.</td>
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<td>James P. Doran, E.D.</td>
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<td>Stephen J. Gallo</td>
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<td>Nicholas Goldsack</td>
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<td>John A. Peneda</td>
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The foregoing is a true and complete copy of a resolution of the Hudson County Improvement Authority adopted at a meeting thereof duly called and held on Wednesday, July 22, 2015.

CARMEN LOZANO, ASSISTANT SECRETARY
(SEAL)
CERTIFICATE

I, CARMEN LOZANO, Assistant Secretary of The Hudson County Improvement Authority, a public body corporate and politic of the State of New Jersey, HEREBY CERTIFY, that the foregoing resolution entitled "RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY CLOSING THE CONTAINMENT and Dewatering Service Agreement, Earthwork Services Agreement and Transition Area Services Agreement with Persistent Construction, Co., as well as Authorizing Entry into a Settlement and Release Agreement with Persistent Construction, Co. to Resolve Claims of Costs Incurred as a Result of the Temporary Suspension of Dredged Sand Delivery and Other Delays to the Lincoln Park West Site" is a true copy of an original resolution which was duly adopted by said Authority at a meeting thereof which was duly called and held on July 22, 2015, and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 22nd day of July, 2015.

[SEAL]

THE HUDSON COUNTY IMPROVEMENT AUTHORITY

By: Carmen Lozano, Assistant Secretary